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1104628-0016

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicants : Koziel et al.
Serial No. : 09/988,462
Filed : November 20, 2001
For : Synthetic DNA Sequence Having Enhanced Insecticidal Activity in Maize
Examiner : McElwain, Elizabeth
Group Art Unit : 1638

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**SECOND SUPPLEMENTAL
INFORMATION DISCLOSURE STATEMENT
BEFORE MAILING OF A FIRST OFFICE ACTION**

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Via Hand Delivery

**Group 1638
Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

Sir:

Applicants submit this Information Disclosure Statement ("IDS") and the attached Form PTO-1449 in compliance with 37 C.F.R. §§1.56, 1.97 and 1.98. A copy of each of the documents listed on the accompanying Form PTO-1449 is submitted herewith.

The IDS is submitted to provide the Examiner with additional information arising out of a patent infringement litigation entitled, *Syngenta Seeds, Inc. v. Monsanto Company; DeKalb Genetics Corp.; Pioneer Hi-Bred International, Inc.; Dow AgroSciences, LLC and Mycogen Plant Science, Inc. and Agrigenetics, Inc.*, C.A. No. 02-1331 (D. Del.).

This submission should not be misconstrued as an acknowledgement by applicants or the undersigned that any of the submitted information is material or qualifies as prior art.

This IDS is being filed before the mailing date of a first Office Action on the merits according to 37 C.F.R. §1.97(b)(3). Therefore, no fees are due in connection with this filing. However, should any fees be deemed necessary in connection with this filing, the Assistant Commissioner is hereby authorized to charge Deposit Account No. 23-1703.

Dated: July 28, 2003

Respectfully submitted,



John Scheibeler
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Attorney for Applicants

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FORM PTO-1449 (REV. 2-82)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	Atty. Docket No. 1104628-0016	Serial No. 09/988,462
O I P E INFORMATION DISCLOSURE STATEMENT BY APPLICANT		Applicants: Koziel et al.	
JUL 29 2003		Filing Date: November 20, 2001	Group: 1638

UNITED STATES PUBLISHED PATENT APPLICATIONS

*Examiner Initial	Document No.	Date	Name	Class	Sub-Class	Filing Date, if appropriate
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OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, Etc.)

	Fromm et al., "Transgenic Maize Plants" presentation, at 33 rd Annual Maize Genetics Conference, 21-24 March 1991, Lake Lawn Lodge, Delavan, Wisconsin.
	Program of events of "Eucarpia Symposium on Genetic Manipulation in Plant Breeding", Reus/Salou (Tarragona), Spain, May 26-30, 1991.
	Barnason et al., "Production of Transgenic Corn Plants Resistant to the European Corn Borer" presentation, Agronomy Abstracts, 1991 Annual Meetings, Denver, Colorado, Oct 27-Nov. 1, 1991.

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Examiner:

Date Considered:

*Examiner: Initial citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.